

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

PATRICIA A. GRAHAM,]
[
Plaintiff,
]-vs-] CA NO:10-1852
[
THE COLUMBIA COLLEGE,
Defendants.]

The plaintiff, Patricia A. Graham, has filed the instant action alleging Age Discrimination in violation of 42 U.S.C. § 12101 et. seq. as well as other related claims that arise under South Carolina's common law. The defendant denies the plaintiff's allegations and has filed a motion to dismiss plaintiff's Second Cause of Action (Violation of Due Process) and Fourth Cause of Action (Injunctive Relief). The matter is now before the Court upon the Report and Recommendation of the United States Magistrate Judge to whom it was referred pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B) for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 , 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection is made, and the Court may accept, reject, or

modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. §636(b)(1).

In this matter, the Magistrate Judge recommends the defendant's motion for partial dismissal of the complaint be granted. The plaintiff has not filed objections to the Magistrate Judge's Report and Recommendation. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F. 2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

The Court has made a thorough *de novo* review of the record before it. Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendant's motion to DISMISS the plaintiff's Second and Fourth Causes of Action is GRANTED.

IT IS SO ORDERED.

**s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE**

**Columbia, South Carolina
October 6, 2010**